

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH
CAROLINA WESTERN DIVISION**

CASE NO: 5:21-cv-00173-D

TRACIE BEARD,
individually and on behalf of all
others similarly situated,

Plaintiff,

v.

JOHN HIESTER CHEVROLET, LLC,

Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO STAY
CLASS DISCOVERY

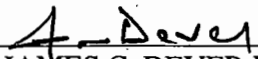
Before the Court is Defendant's Motion to Stay class discovery pending the Court's ruling on Defendant's Motion for Summary Judgment. Plaintiff opposes the Motion to stay class discovery.

Defendant contends that its motion for Summary Judgment, if allowed, would be dispositive of the individual and class claims, thereby eliminating the need for the voluminous and costly class discovery. Defendant contends that Plaintiff provided express written consent for the alleged contact from Defendant, that the Defendant has no standing because she suffered no concrete harm, and that the ringless voicemails Plaintiff alleges were violative of the TCPA are not subject to the TCPA. Without ruling on the merits of these claims, the Court notes that, if any of the foregoing arguments are meritorious, they would entitle Defendant to Summary Judgment, thus obviating the need for class discovery. Therefore, the Court hereby GRANTS Defendant's Motion to Stay further class discovery until the Court can

rule on Defendant's Motion for Summary Judgment.

It is therefore ORDERED that class discovery in this matter shall be stayed until the Court can rule on Defendant's Motion for Summary Judgment or until such time as the Court rules otherwise.

SO ORDERED. This 14 day of June 2022.



JAMES C. DEVER III
UNITED STATES DISTRICT JUDGE